

KAREEM-ALI MUHAMMAD;

,Plaintiff.

Case No. : **ELH12CV0964**

-v-

FINANCIAL RECOVERY SERVICES, INC (herein "FRS")

BRIAN BOWERS ("PRESIDENT")

BRADLEY J BOWERS ("CEO")

(JOHN DOE 1 - 10) , ET AL

Defendant(s)

FILED  
LODGED  
ENTERED  
RECEIVED

MAR 28 2012

AT BALTIMORE  
CLERK U.S. DISTRICT COURT  
DISTRICT OF MARYLAND  
DEPUTY

## COMPLAINT AND DEMAND FOR JURY TRIAL

(Violations of the Fair Debt Collections Practices Act)

Plaintiff, *Kareem-Ali Muhammad* hereby sues Defendant(s); FINANCIAL RECOVERY SERVICES, INC (herein "FRS"); BRIAN BOWERS ("PRESIDENT"); BRADLEY J BOWERS ("CEO") JOHN DOE (1 - 10) and alleges:

## PRELIMINARY STATEMENT

This is an action for damages brought for damages for violations of the Fair Debt

Collection Practices Act ("FDCPA") 15 U.S.C. §§ 1692 – 1692(p)

## JURISDICTION AND VENUE

1. The jurisdiction of this Court is conferred by § 1332 et seq, the private right of action statue of the Fair Debt Practices Act ("FDCPA")
2. Venue is proper in this District pursuant to 28 U.S.C. §1391.
3. This is an action for damages which do not exceed \$10,000.00.

30 4. Plaintiff, Kareem-Ali Muhammad, is a natural person and is a resident of the State  
31 of Maryland.

32 5. Defendant, FINANCIAL RECOVERY SERVICES, INC is a Maryland Corporation,  
33 authorized to do business in Maryland, authorized as a debt collector.

34 6. Defendant, BRIAN BOWERS ("PRESIDENT"); is a natural person, unauthorized to  
35 do business in Maryland as a debt collector, being sued in his/her private capacity.

36 7. Defendant, BRADLEY J BOWERS ("CEO"); is a natural person, unauthorized to do  
37 business in Maryland as a debt collector, being sued in his/her private capacity.  
38

39 **FACTUAL ALLEGATIONS**

40 8. On 01/2011 and 02/2012, Defendant(s) willfully accessed my credit report without  
41 permissible purpose.

42 9. On 08/15/2011, mailed via United States Postal Service to Defendants  
43 correspondence to defendant's address disputing the non-existent debt and to stop  
44 calling.

45 10. On September 7<sup>th</sup> 2011, Plaintiff spoke to FRS and demanded for them to cease  
46 and desist calling his telephone number 404-587-4382.

47 11. Defendants, FRS continued to call in September and November of 2011.

48 12. On 01/29/2012, Plaintiff sent a letter via United State Postal Service certified mail,  
49 7011 0470 000 1008 3420, disputing the non-existent debt.

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50 13. On 02/14/2012, Defendant's sent another letter attempting to collect a debt with  
51 Plaintiff's certified letter attached.

52 14. The letter from Defendant's on 02/14/2012 stated "We are returning the attached  
53 payment or correspondence because we are unable to locate the account on our  
54 system..."

55 15. The letter from Defendants on 02/14/2012, stated "If you have any questions or  
56 comments, please contact us..."

57 16. The same letter from Defendants ended his letter "This is an attempt to collect a  
58 debt. Any Information obtained will be used for that purpose. This communication is  
59 from a debt collector."

60 17. On 02/19/2012, Plaintiff filed a complaint with the **Better Business Bureau**  
61 Complaint Case# 57222205.

62 18. On 02/20/2012, Defendants letter stated that Plaintiff had an "alleged" account and  
63 stating that communication is from a debt collection company. Admitting to attempt to  
64 collect a non-existent debt.

65 19. When Plaintiff called to speak with Brian Bowers, He yelled at Plaintiff and stated  
66 that he is going to call the Police to arrest me.

67 20. On 02/22/2012, Plaintiff responded via fax disputing defendants claim to attempt to  
68 collect a debt.

69 21. On 03/07/2012, Plaintiff sent a complaint to the **Secretary of State and Maryland**  
70 **Financial Regulations**.

71 22. On 03/07/2012, **Better Business Bureau** stated that Plaintiff's complaint against  
72 defendants, Financial Recovery Services "Your case will be reported in the company's  
73 business review for other consumers to be aware of. It will remain on their record for 36  
74 months."

75 23. Defendant(s) failed to show validation of the obligation to pay defendants within 30  
76 days.

77 24. Defendant(s) failed to provide plaintiff's authorized signature that says she has an  
78 contractual obligation to pay defendants.

79 **COUNT I**

80 **VIOLATION OF FAIR DEBT COLLECTION PRACTICES ACT(FDCPA), U.S.C. 15 §**  
81 **1692, WILLFUL NON-COMPLIANCE BY DEFENDANT, FINANCIAL RECOVERY**  
82 **SERVICES, INC (herein "FRS"); BRIAN BOWERS ("PRESIDENT"); BRADLEY J**  
83 **BOWERS ("CEO")**  
84

85 25. Paragraphs 1 through 21 are realleged as though fully set forth herein.

86 26. Plaintiff is a consumer within the meaning of the § 1692 a(3) Definition of a  
87 Consumer as any natural person obligated on or allegedly obligated on a debt.

27. FINANCIAL RECOVERY SERVICES, INC (herein "FRS"); BRIAN BOWERS ("PRESIDENT"); BRADLEY J BOWERS ("CEO") is by U.S.C. 15 § 1692 a(6) Definition of a Debt Collector as collectors, collection agencies, lawyers, forms writers.

28. FINANCIAL RECOVERY SERVICES, INC (herein "FRS"); BRIAN BOWERS ("PRESIDENT"); BRADLEY J BOWERS ("CEO") willfully violated the FDCPA.

Defendant's violations include, but are not limited to, the following:

a) FINANCIAL RECOVERY SERVICES, INC (herein "FRS"); BRIAN BOWERS ("PRESIDENT"); BRADLEY J BOWERS ("CEO"), 15 U.S.C. § 1692 e(10) Any false representation or deceptive means to collect a debt or obtain information about a consumer.

b) FINANCIAL RECOVERY SERVICES, INC (herein "FRS"); BRIAN BOWERS ("PRESIDENT"); BRADLEY J BOWERS ("CEO"), 15 U.S.C. § 1692 b(2) Contact of Third Party: Stated that the consumer owes any debt,

c) Defendants used on two occasions, unfair means to collect a debt and willfully violated 15 USC § 1692(d) Any unfair or unconscionable means to collect or attempt to collect the alleged debt.

d) Defendants violated 15 U.S.C. § 1692 e(10) Any false representation or deceptive means to collect a debt or obtain information about a consumer.

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- 107 e) Defendants violated 15 U.S.C. § 1692 e(11) Communication fail to contain  
108 the mini-Miranda warning: "This is an attempt to collect a debt...  
109 communication is from a debt collector."
- 110 f) Defendants was aware of the validation notice and willfully violated 15  
111 U.S.C. § 1692 g Failure to send the consumer a 30-day validation notice  
112 within five days of the initial communication.
- 113 g) Defendants was aware of the validation notice and willfully violated U.S.C.  
114 15 § 1692 b(2) Contact of Third Party: Stated that the consumer owes any  
115 debt.
- 116 h) Defendants violated 15 U.S.C. § 1692 d Any conduct the natural  
117 consequence of which is to harass, oppress, or abuse any person.
- 118 i) Defendants violated 15 U.S.C. § 1692 d(2) Profane language or other  
119 abusive language?
- 120 j) Defendants violated 15 U.S.C.
- 121 k) Defendants violated 15 U.S.C. § 1692 e(5) Threaten to take any action that  
122 cannot legally be taken or that is not intended to be taken.
- 123 l) Defendants violated 15 U.S.C. § 1692 e(7) Consumer committed any crime  
124 or other conduct in order to disgrace the consumer.

- 125 m) Defendants violated 15 U.S.C § 1692 e(8) Threatens or communicates false  
126 credit information, including the failure to communicate that a debt is  
127 disputed.
- 128 n) Defendants violated twice, 15 U.S.C § 1692 e(11) Communication fail to  
129 contain the mini-Miranda warning: "This is an attempt to collect a debt...  
130 communication is from a debt collector."
- 131 o) Defendants violated 15 U.S.C § 1692 f(8) Any language or symbol on the  
132 envelope that indicates the communication concerns debt collection.
- 133 p) Defendants violated 15 U.S.C § 1692 g(a)(1) Must state Amount of Debt.
- 134 q) Defendants violated 15 U.S.C § 1692 g(B) Collector must cease collection  
135 efforts until debt is validated.

136

137 Notice that if there is a mistake in any of the pleadings allow plaintiff amend to

138 WHEREFORE, Plaintiff demands judgment for damages against FINANCIAL RECOVERY

139 SERVICES, INC (herein "FRS"); BRIAN BOWERS ("PRESIDENT"); BRADLEY J

140 BOWERS ("CEO"); JOHN DOE (1 - 10) for actual or statutory damages, and punitive

141 damages, attorney's fees and costs, pursuant to 15 U.S.C. §1692k and any additional

142 damages above the honorable court deems proper.

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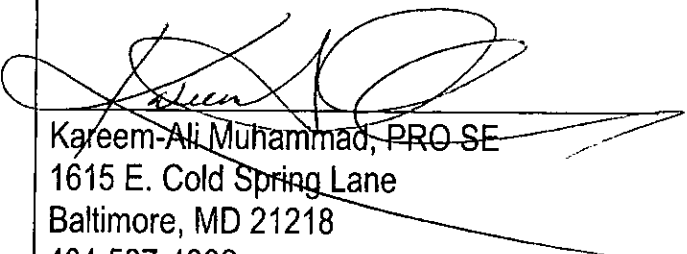
**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a trial by jury of all issues so triable as a matter of law.

Dated: 3/25/2012

Respectfully submitted,

Without prejudice,



Kareem-Ali Muhammad, PRO SE  
1615 E. Cold Spring Lane  
Baltimore, MD 21218  
404-587-4382  
kareemali.muhammad@gmail.com